

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1698 of 1995

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SUMATIBEN SHANKARLAL PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR RK MISHRA for Petitioner  
MR ND GOHIL AGP for Respondent No. 1  
UNSERVED for Respondent No. 2  
MR DA BAMBHANIA for Respondent No. 3

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 16/06/97

ORAL JUDGMENT.

Amendment allowed.

1. This petition has been preferred by the widow of

one Shankarlal Narandas Patel who had been serving under the respondents herein as a Mason on daily wages. In view of the Government Resolution dated 17th October 1988, the said Shri Shankarlal was treated as a permanent employee and was placed in the scale of Rs.750/- fixed. The petitioner also became entitled to the benefits of Pension, Gratuity, Provident Fund, Earned Leave, etc. The said Shri Shankarlal, while he was in service, died on 31st December 1992. The widow of said Shri Shankarlal (present petitioner) made an application for grant of benefits of Family Pension, Gratuity, Provident Fund etc. to the respondents, which has not been responded to as yet. At the time of hearing of this petition, the learned advocate Mr. Mishra appearing for the petitioner has produced a communication received by the petitioner from the respondents. Under the said communication dated 3rd June 1997, the petitioner has been informed that the petitioner's application for getting the benefits of Pension, Leave Encashment, etc. is under process and has been submitted to the Pension Office and that the petitioner shall withdraw her petition.

3. It is thus evident that the petitioner's application for the above referred benefits made sometime in the month of April, 1993, has not been processed for nearly four years.

4. Under the circumstances, this petition is allowed. The respondents are directed to complete the process and necessary formalities for grant of benefits of Family Pension, Provident Fund, Gratuity, Leave Encashment etc. due and payable to the petitioner and late Shri Shankarlal Patel within a period of 12 weeks from today. The amount of Provident Fund shall carry the statutory interest. The amount of Family Pension, Leave Encashment and Gratuity that may be admissible and payable to the petitioner herein shall be paid with an interest at the rate of 12% PA with effect from 1st January 1994 till the date of payment. Rule is made absolute accordingly. The respondents shall bear the costs of this petition. Registry is directed to send the writ forthwith.

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